

MINORITY BUSINESS ENTERPRISE REQUIREMENTS

GENERAL

On June 30, 1983 the City of Cambridge put into effect a city wide Minority Business Enterprise (MBE) Program. To comply with the requirements of this program, a general contractor must submit the appropriate MBE Forms with its bid. The process is explained below. Failure to meet the requirements may result in automatic disqualification of the bidder. Upon request or upon its own initiative, the City may grant an extension of time for submission of the appropriate MBE Forms. Extensions shall be granted only upon a finding by the City that the bidder's failure to submit the appropriate MBE forms was excusable.

PROCEDURE

Steps you should take to comply with the City's MBE requirements are as follows:

1. Secure a copy of the State Office Minority and Women Business Assistance (SOMWBA) Certified Minority/Women Business Directory. Only MBE firms approved by SOMWBA will be accepted by the City of Cambridge.
2. Attempt to develop a bid that includes at least ten percent (10%) of your total bid price in the form of work subcontracted to (or materials purchased from) one or more Minority Businesses.
3. To make the attempt to secure at least 10% Minority business participation, you (the General Contractor) must contact as many of the subcontractors or suppliers in the SOMWBA directory as necessary. Please note that MBE FORM #3 - CONTRACT REQUEST-FOR-EXTENSION and MBE FORM #4 - INFORMATION ON UNSUCCESSFUL MBE CONTACT require you to provide a list of each firm contacted and other related information.
4. If you are successful in securing 10% or more Minority Businesses participation, you must:
 - A. Complete and submit MBE FORM #1 CONTRACTOR CERTIFICATION OF COMPLIANCE.
 - B. Have your participating Minority Business each fill out MBE FORM #2 - LETTER OF INTENT TO PARTICIPATE, to be submitted with your bid.
5. If, after contacting all SOMWBA-approved firms in the trades or materials categories you should include in your bid, you have not been able to secure 10% Minority business participation, then complete and submit with your bid MBE FORM#3 - CONTRACTOR REQUEST FOR EXTENSION and MBE FORM #4 - INFORMATION ON UNSUCCESSFUL MBE CONTRACT.

If you have any questions about the above steps, please call Duane Brown, Minority Business Compliance Officer, at 349-4332.

MINORITY BUSINESS ENTERPRISE PROGRAM COMPLIANCE DETAILS

PERCENTAGE OF MBE PARTICIPATION - percentage of MBE participation shall be that percentage of the total bid price represented by the amount to be paid to MBE(s). The General Bidder's compliance with the percentage requirement shall continue to be determined by reference to the above-described method throughout the term of the contract, even though the actual project price may be greater or less than the bid price. The General Bidder shall submit to the Minority Business Compliance Officer signed copies of its subcontracts with all MBE's involved in meeting the percentage of Minority Business Enterprise Requirement.

ROLE OF THE MBE REVIEW COMMITTEE - The MBE Review Committee shall have referred to it by the Purchasing Agent and the Minority Business Compliance Officer all questions of interpretation of the MBE Program that arise during the Program's operation. The MBE Review Committee shall have the responsibility and authority to respond with binding answers to these questions. It also has the responsibility and authority to recommend to the City Manager whatever improvements it believes can be made in the program, based on operating experience.

CHANGES OF MBE STATUS - Any change or substitution of the officers or stockholders in a participating MBE company that reduces the minority ownership or control to less than the requisite percentage will immediately rescind the MBE designation given by SOMWBA. The General Bidder (Prime Contractor) shall immediately notify the Minority Business Compliance Officer upon learning of such a change in MBE status. In this event, the Prime Contractor shall submit to the Minority Business Compliance Officer a revised Contractor Certification of Compliance with MBE Requirements, showing how the lost MBE participation will be replaced.

SANCTIONS

- A. If the Prime Contractor does not comply with the terms of the Minority Business Enterprise requirements of the contract, the City may (1) suspend any payment for the activity that should have been performed by the MBE pursuant to the contract, or (2) require specific performance of the Prime Contractor's obligation by requiring the Prime Contractor to subcontract with any MBE for any contract or specialty item at the contract price established for that item in the proposal submitted by the Prime Contractor.
- B. To the extent that the Prime Contractor has not complied with the MBE requirements of the contract, the City may retain an amount determined by multiplying the bid price of this contract by the required percentage of MBE participation, less the amount of paid to MBEs for work performed under the contract and any payments already suspended under "A" above.
- C. In addition, or as an alternative, to the remedies under "A" and "B" above, the City may suspend, terminate or cancel this contract, in whole or in part, or may call upon the Prime Contractor's surety to perform all terms and conditions in the contract, unless the Prime Contractor is able to demonstrate its compliance with the MBE requirements, and may further deny to the Prime Contractor the right to participate in any future contracts awarded by the City for a period of up to three years.
- D. In any proceeding involving the imposition of sanctions by the City, no sanctions shall be imposed if the City finds that the Prime Contractor has taken every possible measure to comply with MBE requirements, or that some other justifiable reason exists for waiving the MBE requirements in whole or in part.
- E. Any bidder or contractor shall provide such information as is necessary in the judgment of the City to ascertain its compliance with the MBE Requirements.
- F. No sanctions shall be imposed by the City except in an adjudicatory proceeding under Chapter 30A of the General Laws.
- G. A Prime Contractor shall have the right to request suspension of any sanctions imposed by the City upon showing that it is once again in compliance with the MBE Requirements.

CONTRACTOR CERTIFICATION OF COMPLIANCE

Minority Business Enterprise Requirements

Name and Address of Participating Minority Bus. Enterprise	Name of Participant	Dollar Value
1.		
2.		
3.		
4.		
5.		
6.		
7.	GRAND TOTAL FOR MINORITY BUSINESS COMMITMENT	
	\$ _____	
8.	PERCENTAGE MBE PARTICIPATION (Line 7 Divided by total bid price) _____	
	_____%	

The below-signed bidder certifies that it will honor the above Minority Business Enterprise Commitment and that it understands that a breach of this commitment constitutes a breach of the contract.

Date

Authorized Signature

General Contractor

Business Address

LETTER OF INTENT TO PARTICIPATE

Minority Business Enterprise Requirements

TO: _____
(Name of General Bidder)

1. My company intends to perform work under the above-identified contract as:

- _____ an individual
- _____ a partnership
- _____ a corporation
- _____ a joint venture with _____
- _____ other (explain) _____

2. My company has been certified by the State Office of Minority and Women Business Assistance (SOMWBA) as a Minority Business Enterprise and is listed as such in the most recently issued SOMWBA Minority/Women Business Directory. I hereby certify that my company's qualification as a Minority Business Enterprise have not changed since its application was submitted to SOMWBA. I further certify that my company will give immediate notification in writing to both SOMWBA and your Company in the event that its minority ownership, control, or management should change.

3. My company understands that if your company is awarded the contract, your company intends to enter into an agreement with my company to perform the activity described below for the prices indicated. My firm also understands that your firm, as General Bidder, will make substitutions and quantity changes only as allowed or required by the provisions of the contract with the City of Cambridge.

ITEM NO.	DESCRIPTION OF MY COMPANY'S ACTIVITY*	QUANTITY	UNIT PRICE	AMOUNT

TOTAL AMOUNT \$_____

* Description of activity should include notations such as "Labor Only", "Material Only", etc.

Date

MBE Name

MBE Authorized Signature

Business Address

CONTRACTOR REQUEST FOR EXTENSION

Minority Business Enterprise Requirements

**CONTRACTOR REQUEST-FOR-EXTENSION OF MINORITY BUSINESS ENTERPRISE
REQUIREMENTS**

The below signed General Bidder certifies that it made a good faith effort to develop the required ten percent (10%) Minority Business Enterprise participation in this contract, but was able to develop only _____ %.

The below-signed General Bidder further certifies that it contacted the below-listed firms from the SOMWBA MINORITY/WOMEN BUSINESS DIRECTORY that said contacts were bona fide efforts to develop the required Minority Business Enterprise participation in the above-identified contract but were unsuccessful due to circumstances beyond the control of the General Bidder; and that the information given on the following pages about each contract has made is accurate and complete.

MBE Companies Contacted

- | | |
|----------|-----------|
| 1. _____ | 6. _____ |
| 2. _____ | 7. _____ |
| 3. _____ | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ | 10. _____ |

The below-signed General Bidder therefore requests that the City of Cambridge grant an extension of ten working days in order to provide the General Bidder an opportunity to secure the required percentage of Minority Business participation.

Date

Authorized Signature

General Contractor

Business Address

**FORM
4
M.B.E.**

INFORMATION ON UNSUCCESSFUL M.B.E. CONTACT

Minority Business Enterprise Requirements

Additional copies of this information form shall be prepared by the General Bidder in the quantity necessary to comply with bidding requirements.

ITEM NUMBER ON REQUEST-FOR-EXTENSION _____

NAME OF MBE COMPANY CONTACTED _____

ADDRESS OF " " _____

TELEPHONE NO. " " _____

DATE OF INITIAL CONTACT _____

HOW WAS CONTACT MADE? (Check appropriate answer) TELEPHONE _____
IN-PERSON _____

SUB-CONTRACT WORK OFFERED TO THIS MBE COMPANY _____

RESULT OF CONTACT(check appropriate answer) MBE Firm Declined Job _____;
MBE Firm offered to do job at price of \$ _____, which was determined by our company
to be too high _____; MBE offered to do the job at a price of \$ _____, which was
satisfactory, but the MBE company was judged by our company to be unqualified for the job _____.

NAME AND TITLE OF THE MBE COMPANY OFFICER WHO CAN VERIFY ABOVE
INFORMATION AS TO MBE COMPANY'S RESPONSE

It is certified herewith by the below-signed officer of the General Bidder that the above
information is accurate and complete.

Date

General Contractor

Authorized Signature

Business Address